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International convention against the reproductive cloning of human beings

Report of the Working Group established pursuant to General Assembly decision 59/547 to finalize the text of a United Nations declaration on human cloning*

Chairman: Mr. Mohamed **Bennouna** (Morocco)

I. Introduction

1. The Working Group of the Sixth Committee established pursuant to General Assembly decision 59/547 of 23 December 2004 to finalize the text of a United Nations declaration on human cloning, on the basis of the draft resolution entitled "United Nations Declaration on Human Cloning" (A/C.6/59/L.26), and to report to the Sixth Committee during the fifty-ninth session, met on 14, 15 and 18 February 2005.

2. In accordance with that decision, the Chairman of the Sixth Committee, Mohamed Bennouna (Morocco), served as Chairman of the Working Group and the members of the Bureau of the Sixth Committee, namely Ram Babu Dhakal (Nepal), Carlos Fernando Díaz Paniagua (Costa Rica), Csaba Simon (Hungary) and Anna Sotaniemi (Finland), served as Friends of the Chairman. The Working Group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

3. The Working Group held two meetings and four informal consultations.

4. The Working Group had before it the report of the Sixth Committee (A/59/516 and Corr.1), which contained, inter alia, the text of the draft resolution entitled "United Nations Declaration on Human Cloning" (A/C.6/59/L.26). It also had available for reference purposes the revised text of the information document prepared by the Secretariat containing, inter alia, a list of relevant international instruments on human cloning (A/AC.263/2002/INF/1/Rev.1).

* Incorporating documents A/C.6/59/L.27, A/C.6/59/L.27/Add.1 and Corr.1 and A/C.6/59/L.27/Add.2 and oral amendments made during the adoption of the report by the Working Group. It also incorporates documents A/C.6/59/L.26 and L.28.

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5. The Working Group considered and adopted its report at its 2nd meeting, on 18 February.

II. Proceedings of the Working Group

6. The Working Group considered the text of a draft United Nations declaration on human cloning at its 1st and 2nd meetings, on 14 and 18 February, and during informal consultations on 14 and 15 February, on the basis of the draft resolution entitled "United Nations Declaration on Human Cloning" (A/C.6/59/L.26) as well as written and oral proposals made by delegations.

7. At the 2nd meeting of the Working Group, on 18 February, the Chairman, in view of a lack of consensus on the text which appears in annex I, withdrew the Chairman's text. At the same meeting, the delegation of Honduras introduced the text contained in annex I as a proposal by Honduras. The proposal by Honduras was supported by several delegations.

III. Conclusion

8. At its 2nd meeting, on 18 February, the Working Group decided to refer annexes I, II and III to the present report to the Sixth Committee for its consideration.

Annex I*

United Nations Declaration on Human Cloning

The General Assembly,

Recalling its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,[1]

Approves the United Nations Declaration on Human Cloning, annexed to the present resolution.

Annex
United Nations Declaration on Human Cloning

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997,

Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

Aware of the ethical concerns that certain applications of rapidly developing life sciences may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

Reaffirming that the application of life sciences should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

Emphasizing that the promotion of scientific and technical progress in life sciences should be sought in a manner that safeguards respect for human rights and the benefit of all,

Mindful of the serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to prevent the exploitation of women,

Convinced of the urgency of preventing the potential dangers of human cloning to human dignity,

Solemnly declares the following:

(a) Member States are called upon to adopt all measures necessary to protect adequately human life in the application of life sciences;

(b) Member States are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life;

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* Originally issued as the Chairman's text in document A/C.6/59/L.27/Add.1 and Corr.1. See also paragraph 7 of the report.

[1] *United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Twenty-ninth Session*, vol. I, *Resolutions*, resolution 16.

(c) Member States are further called upon to adopt the measures necessary to prohibit the application of genetic engineering techniques that may be contrary to human dignity;

(d) Member States are called upon to take measures to prevent the exploitation of women in the application of life sciences;

(e) Member States are also called upon to adopt and implement without delay national legislation to bring into effect paragraphs (a) to (d);

(f) Member States are further called upon, in their financing of medical research, including of life sciences, to take into account the pressing global issues such as HIV/AIDS, tuberculosis and malaria, which affect in particular the developing countries.

Annex II*

Italy: draft resolution

United Nations Declaration on Human Cloning

The General Assembly,

Recalling its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,[1]

Approves the Declaration on Human Cloning, annexed to the present resolution.

Annex
United Nations Declaration on Human Cloning

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted,

Recalling also its resolution 53/152 of December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

Aware of the ethical concerns that certain applications of rapidly developing life science may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

Reaffirming that the applications of life science should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

Emphasizing that the promotion of scientific and technical progress in life science should be sought in a manner that safeguards respect for human rights and the benefit of all,

Mindful of the serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to ensure that human cloning does not give rise to the exploitation of women,

Convinced of the urgency of preventing the potential dangers of human cloning to human dignity,

Solemnly declares the following:

(a) Member States are called upon to prohibit any attempts to create human life through cloning processes and any research intended to achieve that aim;

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* Originally issued as document A/C.6/59/L.26.

[1] *United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Twenty-ninth Session*, vol. I, *Resolutions*, resolution 16.

(b) Member States are called upon to ensure that, in the application of life science, human dignity is respected in all circumstances and, in particular, that women are not exploited;

(c) Member States are also called upon to adopt and implement national legislation to bring into effect paragraphs (a) and (b) above;

(d) Member States are further called upon to adopt the measures necessary to prohibit applications of genetic engineering techniques that may be contrary to human dignity.

Annex III*

Belgium : proposed amendment to A/C.6/59/L.26

United Nations Declaration on Human Cloning

Paragraph (a) to be amended as follows:

(a) Member States are called upon to prohibit the reproductive cloning of human beings; they are also called upon to prohibit other forms of human cloning inasmuch as they are incompatible with human dignity;

New paragraph (e) to be added as follows:

(e) Member States are also called upon, in their financing of medical research, including of life science, to take into account the pressing global issues such as HIV/AIDS, tuberculosis and malaria, which particularly affect the developing countries.

* Originally issued as document A/C.6/59/L.28.

Annex IV*

Informal proposals by Belgium

United Nations draft Declaration on Human Cloning

The following options are proposed for the revision of the draft United Nations Declaration on Human Cloning (A/C.6/59/L.26, annex):

Option 1

Revise operative paragraph (a) to read:

"Member States are called upon to prohibit any attempts to create a human being through cloning processes and any research intended to achieve that aim".

Option 2

Revise operative paragraph (a) to read:

"Member States are called upon to prohibit all forms of cloning that are contrary to human dignity".

Option 3

- Add a new preambular paragraph reading:

"*Recognizing* that the use of human cloning techniques for therapeutic purposes has raised important and complex ethical questions on which there is at the present time no agreement at international level";

- Revise operative paragraph (a) to read:

"Member States are called upon to enact and implement legislation addressing all aspects of human cloning, including ethical questions raised by the use of human cloning techniques for therapeutic purposes";

- Revise operative paragraph (c) to read:

"Member States are invited to consider establishing independent, multidisciplinary and pluralist committees on ethics in order to facilitate the implementation of paragraphs (a) and (b) above".

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* Originally issued as document A/C.6/59/L.27/Add.2.